

REMARKS

This paper is responsive to a *final* Office action dated November 29, 2010 and follows the Notice of Appeal filed March 29, 2011. This paper accompanies an Appeal Brief filed this day and, insofar as the amendments made hereby cancel claims, should be entered pursuant to 37 C.F.R. § 1.116(b)(1).

Claims 1-26 have been **allowed**. Claims 34 and 35 were previously **cancelled**. Rejected claims 27-33 and 37-41 are hereby **cancelled** and the sole remaining rejected claim is claim 36, which depends from allowed claim 1, but which has been **errantly rejected** by the office on obviousness grounds notwithstanding the allowed base claim from which it depends.

Claim Rejections under 35 U.S.C. §103

Claims 27-33 and 36-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,442,686 to McArdle et al. (hereinafter “*McArdle*”) in view of WO 99/05814 naming Dickinson et al. (hereinafter “*Dickinson*”) and US 6,618,747 to Flynn et al. (hereinafter “*Flynn*”). As claims 27-33 and 37-41 are now cancelled, the sole remaining rejected claim is claim 36.

Applicant respectfully notes that claim 26 depends from allowed claim 1 and is allowable for at least that reason.

Conclusion

In summary, claims 1-26 and 36 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being

deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed as shown above.

facsimile transmitted to the USPTO.

transmitted using the USPTO electronic filing system.

/David W. O'Brien/ 29-Sep-2011
 Date

Respectfully submitted,

/David W. O'Brien/

David W. O'Brien, Reg. No. 40,107
Attorney for Applicant(s)
(512) 338-6314 (direct)
(512) 338-6300 (main)
(512) 338-6301 (fax)

EXPRESS MAIL LABEL: _____